

RECEIVED
CENTRAL FAX CENTER
SEP 05 2006

REMARKS

Claims 1-24 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. The examiner urges that the claimed subject matter is not described in the specification in a manner that would enable the skilled artisan to make and/or use the invention. The examiner urges that only tradenames are used in the specification to describe the neutralizing material. The examiner urges that “[o]ne of ordinary skill in the art, who is unable to order from Quest, would be unable to practice applicants’ invention.

Applicants disagree with the examiner characterization of the specification. “Quest Fragrance Q-29071” and “Quest Fragrance Q-29071” are not tradenames and are not used as tradenames either in the specification or in the claims. This designation identifies the goods themselves. Anyone desiring to make a malodor neutralized hot melt adhesive can obtain the neutralizing material from Quest. It is not clear to applicant why one of ordinary skill in the art would be unable to order from Quest and hence not able to practice the invention, as urged by the examiner. The examiner’s position that if Quest went out of business one skilled in the art would not be able practice the invention is not relevant to a determination of patentability. Applicants have identified compounds that can be added to a hot melt to neutralize the malodor thereof, and a commercial source of such compounds. That is all that is required for enablement. Applicants have disclosed how to make and use the claimed invention, and have described best mode for practicing the invention. Withdrawal of the Section 112, first paragraph, rejection is requested.

Claim 1-24 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is the examiner's position that use of trademarks in claims 4, 5 14, 15 and 24 renders the scope of the claims uncertain. Applicants disagree. The claimed invention is directed to hot melt adhesive comprising a neutralizing additive or material that counteracts the malodor associated with hot melt adhesives, and to articles of manufacture comprising such hot melt adhesives. Applicants have identified compounds that can be added to a hot melt to neutralize the malodor thereof, and a commercial source of such compounds. As already discussed, "Quest Fragrance Q-29071" and "Quest Fragrance Q-29071" are not tradenames and are not used as tradenames either in the specification or in the claims. The claimed invention is clearly and specifically claimed. Withdrawal of the Section 112, second paragraph, rejection is requested.

Claims 1, 7, 9 and 21 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Johnson (US 6,171,354) in view of Catron et al. (US 4,340,402) or Latakas et al. (US 4,105,423). Applicants disagree.

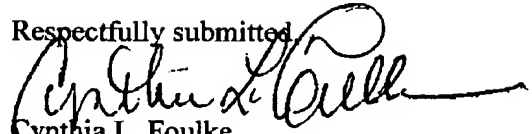
Johnson is cited as teaching an air filter comprising a filter substrate and an adhesives layer, where the adhesive layer contains odor neutralizers. The Catron and Latakas secondary references are cited as teaching use of hot melt and pressure sensitive adhesives in the manufacture of filters. The examiner urges that it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to use a hot melt adhesive or a pressure sensitive hot melt adhesive in the air filter of Johnson. Applicants disagree.

Johnson discloses an air filtering device consisting primarily of a filtering substrate and an adhesive layer disposed in a discontinuous pattern on a major face of the filter substrate. At col. 3, lines 20-22, Johnson discloses that fragrancings and/or odor neutralizing may be an optional feature of the filter substrate and/or the adhesive layer. Reference is also made to claim 14 of the Johnson patent. Substances that can be used to fragrance or neutralize odor are not disclosed. More importantly, there is no disclosure or suggestion of an adhesive that comprises an additive that neutralizes the odor present in the adhesive component of the filter. The combined reference may, at most, suggest air filters made with various types of adhesives, including hot melt adhesive and pressure sensitive hot melt adhesives, that contain fragrances or neutralizing agents used to mask odors present in the air flowing through the filter. There is no disclosure or suggestion of a hot melt adhesive comprising an odor neutralizing material, which neutralizes the odor of the hot melt adhesive itself, not the substrate to which it is applied or the surrounding environment.

The claimed invention is directed to a hot melt adhesive comprising an odor neutralizing material, which does not mask but neutralizes the odor of the hot melt adhesive. There is no disclosure in the Johnson primary reference or in the applied secondary references suggesting that any composition can be used to neutralize the odor of a hot melt adhesive. Neither the primary reference, nor either of the secondary references even acknowledges that hot melt adhesives have a malodor, let alone suggest how the malodor can be neutralized.

Favorable and early action solicited.

Respectfully submitted,



Cynthia L. Foulke
Reg. No. 32,364

September 5, 2006

National Starch and Chemical Company
10 Finderne Avenue
Bridgewater, New Jersey 08807-0500
(908) 685-7483